

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 ERIC SHIBLEY,

14 Defendant.

CASE NO. CR20-0174-JCC

ORDER

15 This order follows an April 7, 2021 status conference where both parties agreed that in
16 light of the complexity of this case, the volume of discovery, and the COVID-19 pandemic's
17 impact on defense counsel's ability to prepare for trial, the Court should continue trial until
18 November 15, 2021. As it has for the past several months, the COVID-19 pandemic continues to
19 impact the Court's operations. (See W.D. Wash. General Orders 01-20, 02-20, 07-20, 08-20, 11-
20 20, 13-20, 15-20, 18-20, 04-21 each of which the Court incorporates by reference.) Specifically,
21 the pandemic has made it difficult for the Court to obtain an adequate spectrum of jurors to
22 represent a fair cross section of the community, and public health guidance has impacted the
23 ability of jurors, witnesses, counsel, and Court staff to be present in the courtroom. (See
24 generally *id.*) Although the availability of a vaccine makes it likely that the Court will be able to
25 resume in-person criminal trials in May 2021, the Court will continue to be limited by public
26 health measures, such as limits on the number of people in the courthouse and courtrooms, which

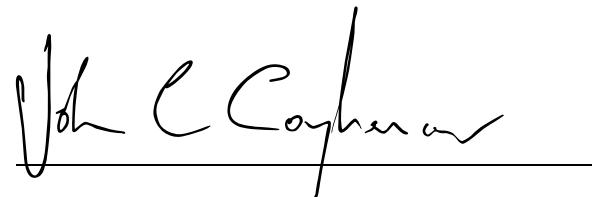
1 are likely to limit the Court's ability to try cases as efficiently as it would absent a pandemic.
2 (See W.D. Wash. General Order 04-21 at 2.) Mr. Shibley's counsel represented at the status
3 conference that public health measures at the Federal Detention Center have also impacted Mr.
4 Shibley's ability to meet in person with his attorney. Accordingly, the Court FINDS that the ends
5 of justice served by granting a continuance outweigh the best interests of Mr. Shibley and the
6 public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

- 7 1. In light of defense counsel's diminished ability to meet with Mr. Shibley in person
8 due to the COVID-19 pandemic and the voluminous discovery in this case, which
9 involves numerous loan applications, bank records, and other financial information,
10 the failure to grant a continuance would deny defense counsel reasonable time
11 necessary for effective preparation, taking into account the exercise of due diligence.
12 *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
- 13 2. This case is complex due to the nature of the allegations and the numerous corporate
14 entities allegedly involved, so it is unreasonable to expect adequate preparation for
15 trial by the current trial date. *See* 18 U.S.C. § 3161(h)(7)(B)(ii).

16 Accordingly, the Court ORDERS:

- 17 1. Trial is CONTINUED until November 15, 2021 at 9:30 a.m.
- 18 2. The period from the date of this order until November 15, 2021 is an excludable time
19 period under 18 U.S.C. § 3161(h)(7)(A).
- 20 3. The pretrial motion deadline is continued until October 1, 2021.

22 DATED this 8th day of April 2021.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE